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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,590	11/02/2000	Michael Broesamle	PHD 99,151	2510

7590

12/19/2002

Gregory L Thorne
c/o U S Philips Corporation
Intellectual Property Department
580 White Plains Road
Tarrytown, NY 10591

EXAMINER

DIEP, NHON THANH

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,590

Applicant(s)

BROESAMLE, MICHAEL

Examiner

Nhon T Diep

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1, line 5 recites the limitation "the" in "the then video signals". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

5. Claims 1- 4, 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al (EP 0 820 191 A2, cited by the applicant).

Sato et al discloses a film scanner comprising the same film scanner with an automatic focusing device in which the film images are shown by line by line by means of an objective on at least one line sensor, wherein in that with a still film the adjusting range of the objective is passed through according to a predefined program, in that the then developing video signals are evaluated for their high frequency component and in that the objective is adjusted to the maximum of the high-frequency component; for

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measuring the high-frequency component, differences are formed between the amplitudes of the picture elements neighboring the video signals; the video signals are written in a vertical format buffer (15) and transmitted from there to a digital signal processor (17) which is programmed for determining the maximums; and in line with the predetermined program the lighting of the film is controlled so that the film is not lighted when the scanning does not need this (fig. 1, 21 and 24 and page 4, line 43 – page 5, line 22 and page 10, lines 6-29) as specified in claims 1, 4, 9-10;

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-3, 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al.

As applied to claim 1 above, it is noted that Sato et al does not particularly disclose that:

a. the film (1) is scanned in the interstice between two images (image gap) as specified in claim 2; the film (1) is scanned within an image and that during the evaluation of the video signals the image content is suppressed particularly by autocorrelation as specified in claim 3;

b. for measuring the high-frequency component, the video signals are subjected to a Fast Fourier Transform (FFT) as specified in claim 5; and

c. for determining the maximums, the respective function is differentiated and a zero is determined as specified in claim 8.

With regard to **a**: It is well known that there is a gap between two image films and that there is nothing to be scanned at this gap and therefore, it would have been obvious that film scanners are designed to perform other functions at this non-production time in terms of scanning and therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Sato et al by performing reading or converting or suppressing video signals during these periods to save time.

With regard to **b**: Fast Fourier transform is one of the fastest processing technique to process high frequency component and therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Sato et al by using the best known fastest processing technique to process the high frequency component as a matter of designer's choice.

With regard to **c**: It is well known that calculus teaches the using of differentiating as a means to obtain critical values for a function and that from the critical values, a zero is determined to define a maximum and/or minimum of a function. Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Sato et al by applying well known calculus fact in determining a maximum and/or minimum value to maximize the effectiveness of the system as disclosed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Rivers et al (US 6,169,571) discloses a film scanning apparatus with motorized weave correction.
- b. Kaye et al (Discloses a film weave correction system.
- c. Mowry (US 5,457,491) discloses a system for production image on first medium, such as video, simulating the appearance of image on second medium, such as, photographic film.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T Diep whose telephone number is 703-305-4648. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on 703 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are 703 87209314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-2600.

ND
December 16, 2002


NHON DIEP
PRIMARY EXAMINER